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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,182	02/03/2004	Hank Risan	MRT-022	4668
704/07 7590 09/24/2010 MEDIA RIGHTS TECHNOLOGIES C/O WAGNER BLECHER LLP 123 WESTRIDGE DRIVE WATSONVILLE, CA 95076				
EXAMINER				
HOLDER, BRADLEY W				
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2439				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,182

Applicant(s)

RISAN ET AL.

Examiner

BRADLEY HOLDER

Art Unit

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to applicant's request for continuing examination filed on July 8, 2010 for Application # 10/772182 filed on February 3, 2004 in which claims 1-16 are pending, Claims 1, 9-16 are amended, Claims 17-23 are canceled.

Status of Claims

Claims 1-16 are pending, of which Claims 1-16 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. US Patent Application No. 2005/0086397 in view of Feldman et al. US Patent Application Publication No. 2003/0115147.

Regarding Claim 1, Huffman et al. discloses:

A method for providing a media change notification [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Figure 2)] *on a computing system comprising: polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system; [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]*

detecting a media change on said media device; [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

generating a media change notification when said media change is detected; [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et al. teaches the creation and transmission of a message indicating that a media change has occurred]

and outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17

Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches outputting or transmission of a message indicating that a media change has occurred where the media change notification utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]

Huffman et al. does not appear to explicitly disclose:

said media change notification distinct from and operating in parallel with an autorun protocol component of said computing system;

However, Feldman et al. discloses:

said media change notification distinct from and operating in parallel with an autorun protocol component of said computing system; [see (Feldman et al. Paragraph 433 Lines 1-35; Figure 23A) where Feldman et al. teaches a computing system with a media change or auto-Insert notification which is separate and distinct from and operates in parallel or in conjunction with an autorun handler protocol component]

Huffman et al. and Feldman et al. are analogous art because they are from the "same field of endeavor" and are from the same "problem-solving area,". Namely, they are both from the field of "information security".

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Huffman et al. and the teachings of Feldman et al.

by providing a computing system with a media change or auto-Insert notification which is separate and distinct from and operates in parallel or in conjunction with an autorun handler protocol component.

The motivation for doing so would be to increase the usability and flexibility of Huffman et al. by providing a computing system with a media change or auto-Insert notification which is separate and distinct from and operates in parallel or in conjunction with an autorun handler protocol component as taught by Feldman et al. in the teaching described by Huffman et al. so as to provide the functionality of media change notifications independently and at the same time as media autorun capabilities to further improve a user's viewing experience as content is selected and played for a user]

Regarding Claim 2, most of the limitations of this claim have been noted in the rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 1 wherein said media change notification is performed by a kernel level component [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the media change notification polling and response utilizes Direct Memory Access on the host bus with interrupt notification which requires the use of a kernel level component of the Operating System]

Regarding Claim 3, most of the limitations of this claim have been noted in the rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 1 wherein said media change notification is performed by a user level component. [see (Huffman et al. Paragraph 27 Lines 1-11) where Huffman et al. teaches that the media change notification utilizes interaction with the user and as a result requires the use of a user level component of the Operating System]

Regarding Claim 4, most of the limitations of this claim have been noted in the rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 1 wherein said media change notification is performed by modifying a media-polling component of an operating system [see (Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al. teaches that the media-polling component of the Operating System needs modification in order to support asynchronous media change notification]

Regarding Claim 5, most of the limitations of this claim have been noted in the rejection of Claim 4. Applicant is directed to the rejection of claim 4 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 4 wherein said modifying of said media polling component in said operating system comprises: utilizing said media polling component to poll each said media device coupled with said computing system for content regardless of any input to said media polling component by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines 6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches the modified media polling component of the operating system polls each or multiple media devices in the computing system and receives notification via an interrupt regardless of inputs to the media polling component]

Regarding Claim 6, most of the limitations of this claim have been noted in the rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 1 wherein said media change notification is performed by a second component operating parallel to a first component in an operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll and a second component of an asynchronous poll or message operating in parallel to provide the media change or status notification]

Regarding Claim 7, most of the limitations of this claim have been noted in the rejection of Claim 6. Applicant is directed to the rejection of claim 6 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 6 wherein said first component in said operating system polls said media device for content and can be disabled by said computing system [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll to provide the media content or status notification that can be disabled by the computing system],

and said second component operating parallel to said first component in said operating system polls said media device for content and cannot be disabled by said computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a second component of a asynchronous poll or message operating in parallel to provide the media content or status notification that cannot be disabled by the computing system]

Regarding Claim 8, most of the limitations of this claim have been noted in the rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The method as recited in claim 1 wherein said media change is an introduction of media to said media device of said computing system. [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches that the media change is an introduction or insertion of a tape cartridge into the media or storage device]

Regarding Claim 9, Huffman et al. discloses:

A non-transitory computer readable medium for storing computer implementable instructions, said instructions for causing a client system to perform a method for providing a media change notification [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Figure 2)] on a computing system comprising: polling a media device for a media change wherein said polling of said media device cannot be obstructed; [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be obstructed]

detecting a media change on said media device; [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

generating a media change notification when said media change is detected; [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et al. teaches the creation and transmission of a message indicating that a media change has occurred]

and outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be obstructed. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches outputting or transmission of a message indicating that a media change has occurred where the

media change notification utilizes Direct Memory Access on the host bus with interrupt notification that cannot be obstructed]

Huffman et al. does not appear to explicitly disclose:

said media change notification distinct from and operating in parallel with an autorun protocol component of said computing system;

However, Feldman et al. discloses:

said media change notification distinct from and operating in parallel with an autorun protocol component of said computing system; [see (Feldman et al. Paragraph 433 Lines 1-35; Figure 23A) where Feldman et al. teaches a computing system with a media change or auto-Insert notification which is separate and distinct from and operates in parallel or in conjunction with an autorun handler protocol component]

Huffman et al. and Feldman et al. are analogous art because they are from the "same field of endeavor" and are from the same "problem-solving area,". Namely, they are both from the field of "information security".

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Huffman et al. and the teachings of Feldman et al. by providing a computing system with a media change or auto-Insert notification which

is separate and distinct from and operates in parallel or in conjunction with an autorun handler protocol component.

The motivation for doing so would be to increase the usability and flexibility of Huffman et al. by providing a computing system with a media change or auto-Insert notification which is separate and distinct from and operates in parallel or in conjunction with an autorun handler protocol component as taught by Feldman et al. in the teaching described by Huffman et al. so as to provide the functionality of media change notifications independently and at the same time as media autorun capabilities to further improve a user's viewing experience as content is selected and played for a user]

Regarding Claim 10, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change notification is performed by a kernel level component. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the media change notification polling and response utilizes Direct Memory Access on the host bus with interrupt notification which requires the use of a kernel level component of the Operating System]

Regarding Claim 11, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change notification is performed by a user level component. [see (Huffman et al. Paragraph 27 Lines 1-11) where Huffman et al. teaches that the media change notification utilizes interaction with the user and as a result requires the use of a user level component of the Operating System]

Regarding Claim 12, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change notification is performed by modifying a media polling component of an operating system. [see (Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al. teaches that the media-polling component of the Operating System needs modification in order to support asynchronous media change notification]

Regarding Claim 13, most of the limitations of this claim have been noted in the rejection of Claim 12. Applicant is directed to the rejection of claim 12 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 12 wherein said modifying of said media polling component in said operating system comprises: utilizing said media polling component to poll each said media device coupled with said computing system for content regardless of any input to said media polling component by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines 6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches the modified media polling component of the operating system polls each or multiple media devices in the computing system and receives notification via an interrupt regardless of inputs to the media polling component]

Regarding Claim 14, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change notification is performed by a second component operating parallel to a first component in an operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll and a second component of an asynchronous poll or message operating in parallel to provide the media change or status notification]

Regarding Claim 15, most of the limitations of this claim have been noted in the rejection of Claim 14. Applicant is directed to the rejection of claim 14 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 14 wherein said first component in said operating system polls said media device for content and can be disabled by said computing system, [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll to provide the media content or status notification that can be disabled by the computing system]

and said second component operating parallel to said first component in said operating system polls said media device for content and cannot be disabled by said computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a second component of an asynchronous poll or message operating in parallel to provide the media content or status notification that cannot be disabled by the computing system]

Regarding Claim 16, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al. and Feldman et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change is an introduction of media to said media device of said computing system. [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches that the media

change is an introduction or insertion of a tape cartridge into the media or storage device]

Response to Arguments

Applicant's arguments filed July 8, 2010 have been fully considered but are not fully persuasive.

On page 5 of the Applicant's Response, applicants submit that they have overcome the 35 U.S.C. 101 rejections of Claims 9-16 by amending Claims 9-16.

The examiner agrees, and withdraws the 35 U.S.C. 101 rejections of Claims 9-16.

On page 5 of the Applicant's Response, applicants submit that they have overcome the 35 U.S.C. 101 rejections of Claims 17-23 by canceling Claims 17-23.

The examiner agrees, and withdraws the 35 U.S.C. 101 rejections of Claims 17-23.

On pages 5-6 of the Applicant's Response, applicants submit that they have overcome the 35 U.S.C. 102(e) rejections of Claims 17-23 by canceling Claims 17-23.

The examiner agrees, and withdraws the 35 U.S.C. 102(e) rejections of Claims 17-23.

On pages 5-7 of the Applicant's Response, applicants argue the 102(e) rejection on amended claims 1, 9. Applicant's arguments regarding the 102(e) rejection on amended claims 1, 9 are rendered moot due to applicant's amendments to claims 1, 9 necessitating a new ground of rejection. The previous 102(e) rejection on amended claims 1, 9 is withdrawn and replaced with a 103(a) rejection with additional prior art on amended claims 1, 9.

Therefore, in view of the above reasons, Examiner maintains 35 U.S.C. 103(a) rejections on Claims 1, 9.

On Page 7 of the Applicant's Response, applicants argue that since Claims 2-8 depend on Claim 1, the 102(e) rejections on Claims 2-8 should be withdrawn.

The examiner respectfully disagrees with Applicant's arguments because since the previous 102(e) rejection on Claim 1 is withdrawn and replaced with a new 103(a) rejection on Claim 1, new 103(a) rejections on dependent Claims 2-8 are also maintained.

On Page 7 of the Applicant's Response, applicants argue that since Claims 10-16 depend on Claim 9, the 102(e) rejections on Claims 10-16 should be withdrawn.

The examiner respectfully disagrees with Applicant's arguments because since the previous 102(e) rejection on Claim 9 is withdrawn and replaced with a new 103(a)

rejection on Claim 9, new 103(a) rejections on dependent Claims 10-16 are also maintained.

Therefore, in view of the above reasons, Examiner maintains 35 U.S.C. 103(a) rejections on Claims 1-16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY HOLDER whose telephone number is 571-270-3789. The examiner can normally be reached on Monday-Thursday 7:30AM-5:00PM EST; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. H./
Examiner, Art Unit 2439

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2439